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April 1, 2025

Hon. Miroslav Lovric
Federal Building and US Courthouse
15 Henry Street
Binghamton, New York 13901

Re: **Happy Hour Drinks Company, Inc. vs. Can Man, LLC d/b/a Best Bev Co., and
Best Bev LLC**
Case No.: 3:24-cv-00047(TJM/ML)
Our File No.: 2024-116

Dear Magistrate Judge Lovric:

I submit this letter as a status report on behalf of the defendants. Pursuant to the Court's directive, the parties have been proceeding with discovery over the last two months including the taking of depositions of two representatives of the plaintiff and three former employees of the defendant, Can Man, LLC. Plaintiff has responded to defendants' second set of discovery demands but there is an outstanding issue from the defendant's perspective with regards to the last known addresses and telephone numbers for certain former employees of the plaintiff that defendants are seeking to potentially depose. Plaintiff's counsel indicated to me that said information is forthcoming shortly so I do not anticipate the need to seek the Court's assistance in obtaining the same. Defendants' were recently served with Rule 30(b)(6) notices and are in the process of selecting a witness for each defendant to be produced and counsel are in telephone communication working on a mutually convenient date for those depositions to be conducted in the coming weeks. Both parties are still awaiting a decision from the District Court on the financial disclosure.

With respect to the companion declaratory judgment action in the Eastern District of Pennsylvania, it is my understanding that an answer to the complaint has been served and a Rule 16 conference is scheduled for April 23rd.

With respect to expert witness disclosure, I believe plaintiff's counsel will be seeking a short extension based upon the pending appeal on the financial disclosure issues. Defendants have no objection to this request provided defendants' time frame is extended in a comparable manner.

I thank the Court for its attention to this matter.

Very truly yours,

COOK, KURTZ & MURPHY, P.C.

A handwritten signature in black ink, appearing to read "E. M. Kurtz", with a stylized flourish at the end.

ERIC M. KURTZ

EMK:tmr

cc: Joseph A. Churgin, Esq.
Savad Churgin